

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 2, 2004**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson, Office
Manager Broecker and Attorney Cooley.

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Supervisor Mathis stated that Trustee McDermott had requested that the following four items be placed on the agenda:

1. Sewer for Case's Island
2. Stormwater Ordinance
3. Inventory of the Dauner and Adams Drains
4. Thompson Road Corridor

Supervisor Mathis initially decided to defer these items to the next workshop for further discussion. Because of the article in the Flint Journal regarding the proposed sewer project for Case's Island however, she would like to accept public comment on this topic during the public hearing section of tonight's agenda. Trustee McDermott stated that he would like to add seven resolutions to the end of the agenda.

Motion to approve the 2/2/04 Fenton Township Board Meeting agenda as amended.

Motion by: Stiverson

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Stiverson pointed out a minor typographical error on page 7. The minutes of the 1/19/04 regular meeting stand approved as corrected.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Stiverson

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

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Pinnacle Shores III Street Lighting Special Assessment District/2nd Hearing

Supervisor Mathis reviewed the proposed special assessment for street lighting in Phase III of the Pinnacle Shores subdivision. There was no public comment. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-05

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the improvement project proposed to be initiated within the Pinnacle Shores III Street Lighting Special Assessment District as shown on the plans and specification for such project;

AND WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;

AND WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter;

AND WHEREAS, no written objections were received to said roll and levy;

AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as presented, to be correct, just and reasonable;

THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2004-1 and shall hereby be confirmed as the assessment roll for the Pinnacle Shores III Street Lighting Special Assessment District.

BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2004-1 shall be paid in annual installments with the first installment to be due and payable on December 1, 2004 and the following installments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of street light operation and maintenance.

BE IT FURTHER RESOLVED, if any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended.

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BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Motion to adopt Resolution No. 2004-05 as presented.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Proposed Sewer Project for Case's Island

Trustee McDermott reported that Lawrence Engineering had submitted preliminary information regarding the construction of a sanitary sewer line to service the cottages on Case's Island. The preliminary cost is over \$400,000.00, however more survey information and soil borings will be necessary to calculate more precise costs. The potential pollution of Lake Fenton due to the age and possible condition of the septic systems on the island, as well as the potential for shared systems, are the primary reasons for investigating this proposed project. Supervisor Mathis asked the age of the septic systems on the island. Trustee McDermott responded that Genesee County has no records regarding septic systems on Case's Island. Supervisor Mathis asked how, then, could anyone know if there are shared septic systems on the island. Trustee McDermott stated that a representative of the Genesee County Health Department expressed that concern because shared systems were a common practice at the time the cottages on the island were built. Supervisor Mathis expressed concern regarding the justification for such an expensive project when the homes on the island are utilized on a very limited basis.

Public Comment:

The following individuals commented on the issue:

Donald Watt, 13394 Fenton Road

John Montooth, 2296 Toledo Street

Rick Klemett, 2280 Toledo Street

Vincent Balasko, 1084 Grand Blanc Road

Sharon Balasko, 1084 Grand Blanc Road

Donald Baxter, 1513 Eden Gardens Drive

Vince Balasko, 2219 Toledo Street

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Patric Parker, 2313 Fisk Street
Dan Zawlocki, 4520 Eleanor Drive
David Franz, 3435 Breezepointe
Tony Brown 12159 Jennings Road

Their comments/concerns included:

- Island properties were excluded from prior sewer projects, even though the island property owners wanted sewer.
- When sewers were installed in the 1970's, federal grants were obtained and the tap-in fee for other Lake Fenton residents was \$300.00. The island property owners should only have to pay \$300.00 for sewers. The Township should find a way to subsidize the rest of the cost.
- The island property owners are not opposed to sewers, but only if the cost is reasonable.
- Many of the island property owners have paid significant costs to install new septic systems in recent years.
- There has been no study or proof that the island's septic systems are polluting Lake Fenton.
- Seagulls and geese cause more pollution than the cottages on the island.
- When the Township denied the island access to sewer in the 1970's, the reason given was that the island did not pose a threat to Lake Fenton.
- The island has one year-round resident and 38 cottages that are only used for approximately 4 months each year, many only on weekends.
- The potential for increased cost to obtain easements from property owners opposed to the project.
- The impact of the sewer construction on the existing trees and the natural surroundings.
- The ability of the Township to effectively maintain a sewer system on the island.
- The potential for sewer pipes freezing in winter.
- The Township should test the septic systems on the island to see if a problem exists before incurring the cost of a sewer project.

George Dyball, President of the Lake Fenton Property Owners Association, stated that he would like to participate in future discussions regarding sewer for Case's Island. He is concerned with preserving the natural resources and urged the Township to consider all factors before determining a direction.

Trustee McDermott stated that identifying potential sources of lake pollution, such as failed septic systems, is an example of standard watershed management. With regard to the question of easements, the Township could obtain any necessary easements through condemnation procedures.

Trustee Carmody stated that, according to Lawrence Engineering, there are still too many unknowns to determine if this project is feasible. More information is needed for a decision can be made.

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Supervisor Mathis stated that she favors testing the septic systems on the island as a first step. This issue will be discussed further at a workshop meeting.

REPORTS:

Ordinance Enforcement Quarterly Report

Supervisor Mathis stated that the quarterly report from the Ordinance Enforcement Officer was included in the meeting packet. Clerk Krug reviewed the report and commended Ordinance Enforcement Officer Atkinson for his efforts.

Public Safety Committee Update

Trustee Stiverson reported that Chief Moulton has requested fire inspector training and specific fire safety training for selected members of the department. The cost is well within the established training budget for the Fire Department.

Motion to authorize fire inspector training and fire safety classes, as recommended by Chief Moulton.

Motion by: Stiverson

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson

Nays: None

Absent: Garfield

Motion carried.

Fenton Area Cable Television (FACT) Consortium Update

Trustee Carmody briefly reviewed the agenda for the upcoming February 5th FACT Consortium meeting. The next meeting will be held on February 26th. Both meetings will begin at 5:30 p.m. at Fenton City Hall. Trustee Carmody invited board members to attend either meeting to learn more about the consortium.

Access to Information

Attorney Cooley read from an opinion letter provided to Supervisor Mathis regarding access to information related to ongoing criminal investigations. He stated that the contents of ongoing criminal investigations, including ordinance violations, are protected under the Freedom of Information Act and Township Trustees do not have access to the information. Attorney Cooley added that any attempt by a Township Trustee to access such information, or to act as a “middle man” between residents and Township investigators is inappropriate. Attorney Cooley suggested adopting a chain-of-command policy whereby the Building Inspector and Ordinance Enforcement Officer report only to the Supervisor and/or Clerk on a need-to-know basis, and that third parties, such as Township Trustees, must make or present complaints through the Supervisor and/or Clerk.

Trustee Carmody recommended adopting such a policy immediately.

Motion to adopt a chain-of-command policy with respect to enforcement and investigation issues, as recommended by the Township attorney, whereby all information will be communicated through the Township Supervisor or Township Clerk.

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Motion by: Carmody
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield
Motion carried.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Sanitary Sewer System Ordinance/2nd Reading

Supervisor Mathis introduced the Sewer System Ordinance, which was introduced at the 1/19/04 meeting. The primary purpose of the ordinance is to update the existing ordinance from 1972. Trustee McDermott stated that he is opposed to the language that allows existing homes to continue using a septic system, even when sanitary sewer becomes available. All other Genesee County municipalities require connection when sanitary sewer becomes available. The existing Sewer System Ordinance from 1972 also has provisions for mandatory connection. To do otherwise reduces the amount of connection fee revenue and places the financial burden on the other users.

Supervisor Mathis disagreed, stating that mandatory connection for a property owner with a new septic system creates an unfair financial burden for that resident. She is also concerned about the “domino effect” that may be caused by mandatory connection. This would likely result in increased development.

Trustee McDermott responded that a service boundary, (i.e. designating areas where sewer cannot be constructed), would effectively limit growth.

Trustee Carmody added that more specific requirements relating to septic systems can be incorporated into a septic system ordinance.

Motion to adopt Ordinance No. 615, the Fenton Township Sewer System Ordinance, as presented.

Motion by: Carmody
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, Stiverson
Nays: McDermott
Absent: Garfield

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

Scheduling of Workshop Meeting

The board agreed to schedule a workshop meeting for Saturday 2/21/04 at 1:00 p.m.

NEW BUSINESS:

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Final Plat Approval – Pinnacle Shores No. 3

Supervisor Mathis reviewed a letter from developer Tom Atwell, requesting final plat approval for Pinnacle Shores No. 3. Mr. Atwell noted that this third phase included 36 lots, bringing the total up to 112. He was noted that all regulatory approvals for the subdivision have been obtained, and there have been no changes to the site plan since the board granted preliminary approval.

Motion to grant final approval for the plat of Pinnacle Shores No. 3, as presented.

Motion by: Stiverson
Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

Agreement to Collect Summer Property Taxes – Linden Community Schools

Office Manager Broecker reported that Linden Community Schools had approached the Township regarding summer property tax collection. They will collect 50% of their millage levies on the summer tax bill. An agreement has been negotiated for the Township to collect and distribute the summer tax for a fee of \$2.00 per parcel.

Motion to approve the agreement between the Charter Township of Fenton and the Linden Community School District for collection of summer property taxes, as presented.

Motion by: Stiverson
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

Agreement to Collect Summer Property Taxes-Genesee Intermediate School District

Office Manager Broecker reported that the Genesee Intermediate School District (GISD) has a policy of collecting a portion of their property taxes in the summer when the local school district does the same. Since Linden is collecting 50% of their levy on the summer tax bill, GISD will also collect 50% of their levy this summer, but only on those parcels in the Linden school district. An agreement similar to the one just approved for Linden Schools has been drafted. GISD will pay Fenton Township \$1.00 per parcel for the summer collection.

Motion to approve the agreement between the Charter Township of Fenton and the Genesee Intermediate School District for collection of summer property taxes, as presented.

Motion by: Stiverson
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson

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Nays: None
Absent: Garfield

Motion carried.

Adoption of Sanitary Sewer Construction Standards

Supervisor Mathis stated that, with the adoption of the revised Sewer System Ordinance, updated sewer construction standards must also be approved. Engineer Allen Lawrence has developed the proposed standards, with input from Penny Sharich and the Sewer Committee. It was also noted that the standards are consistent with Genesee County standards.

Motion to approve the Fenton Township Sanitary Sewer Construction standards as presented.

Motion by: Carmody
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

Proposed Revisions to Sewer Connection Fee Policy

The board reviewed a proposal to change the Township's policy regarding sewer connection fees. The current practice for multiple unit permits is to charge the full connection fee for the first unit, with all additional units charged ½ of the connection fee. Trustee McDermott stated that he also wants to include the connection surcharge in this change. He believes the surcharge should be collected on a "per unit" basis rather than a "per permit" basis. Clerk Krug suggested that the connection surcharge issue be discussed at the workshop meeting. The board agreed.

Motion to discontinue the practice of charging a reduced connection fee for multiple-unit sanitary sewer connection permits, effective February 3, 2004.

Motion by: McDermott
Seconded: Gatesman
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

Resignation from Fenton Township Board of Review

Supervisor Mathis read a letter from Bev McKenna, who is resigning from the Fenton Township Board of Review. Bev has served on the Board of Review since 1991 and has been a valuable member of that board. Her knowledge and experience will be missed.

Motion to accept, with regrets, the resignation of Beverly McKenna from the Fenton Township Board of Review.

Motion by: Gatesman

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Seconded: Carmody
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

Supervisor Mathis stated that candidates to fill the Board of Review vacancy will be reviewed and a recommendation for appointment brought to the 2/16/04 meeting.

Resolution Regarding Publication of Township Legal Notices

Trustee McDermott read the following resolution:

WHEREAS, the Fenton Township Board believes that public notices of the Charter Township of Fenton should be made available to the residents at the most cost effective and at times daily basis, and should be placed in a newspaper with the largest circulation possible to inform all township residents of township affairs, and

WHEREAS the Flint Journal newspaper is the local paper that best meets the goals of informing the public of the affairs of the township on a daily basis and in a cost effective manner;

THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby directs that all public notices of the Charter Township of Fenton be placed with the Fling Journal newspapers from this date forward.

A motion was made by Trustee McDermott to adopt the resolution as read. The motion was not seconded. Motion failed.

Regarding the remaining resolutions to be presented by Trustee McDermott, Clerk Krug suggested that they be postponed until the workshop meeting to give board members an opportunity to review the information.

Motion to postpone action on proposed resolutions No. 2004-07 through 2004-12, in order to review them at the 2/21/04 workshop meeting.

Motion by: Krug
Seconded: Stiverson
Ayes: Mathis, Krug, Carmody, Gatesman, McDermott, Stiverson
Nays: None
Absent: Garfield

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Lorraine Zimmer, 6391 Acorn Way

Ms. Zimmer asked the board to pursue ways to slow down development. She is concerned that Fenton Township will become overbuilt like Grand Blanc Township. She suggested a moratorium or some other method of limiting growth. Ms. Zimmer believes

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that the residents should have more control over development decisions. Supervisor Mathis stated that a Town Hall Meeting will be scheduled soon, thus providing a forum for public opinion.

Tony Brown, 12159 Jennings Road

Mr. Brown stated that it appears that communication between board members needs improvement.

ADJOURN: Meeting adjourned at 9:40 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 2/3/04